

Message Text

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C O N F I D E N T I A L OECD PARIS 7387

EXCON

E. O. 11652: XGDS-1

TAGS: ESTC, COCOM

SUBJ: REVISED GENERAL EXCEPTIONS PROCEDURE

REF: A. STATE 52965

B. STATE 53363

SUMMARY: USDEL HAS DISCUSSED WASHINGTON INSTRUCTIONS ON REVISED PROCEDURE WITH FRENCH AND UK COCOM DELS. FORMER MAY HAVE SOME GIVE ON ISSUE OF SPECIFIED EXTENSION OF TIME LIMITS. LATTER EXPLAINED CHANGED WORDING ON GUIDELINE DEALING WITH DUE DATES WHEN SEVERAL DELS ARE IN RESERVE, AND PROPOSED A MODIFICATION WHICH MAY MEET US CONCERN. THIS MESSAGE ALSO OUTLINES PROPOSED TACTICS FOR MARCH 27 COCOM MEETING AND REQUESTS CONFIRMATION. END SUMMARY.

1. USDEL APPRECIATES THOUGHTFUL AND COMPREHENSIVE INSTRUCTIONS IN REFTELS. WE HAVE DISCUSSED CONTENTS OF REF A WITH FRENCH AND UK DELS BILATERALLY AND EXPECT TO CIRCULATE DOCUMENT MARCH 26 SO OTHER DELS WILL HAVE ADVANCE NOTICE OF REF A VIEWS.

2. WHILE FRENCH DEL MAINTAINED THAT HIS CURRENT INSTRUCTIONS REMAINED AS PREVIOUSLY REPORTED, HE UNDERTOOK TO DISCUSS US PROPOSAL PARA 3(D), REF A, WITH GOF OFFICIALS CONCERNED. WHILE HE MADE NO PROMISES, OUR REFERENCE TO CONFIDENTIAL

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INS CASE SEEMED TELLING, AND THERE SEEMS HOPE FOR A FURTHER RETREAT ON HIS PART. HE REITERATED VIEW EXPRESSED AT MARCH 13 MEETING THAT HE DISLIKED CONCEPT OF RECOMMENDATIONS AND GUIDELINES AND MAY SEEK TO HAVE THEM EITHER ELIMINATED ALTOGETHER OR REDRAFTED WITHIN BASIC PROCEDURE TEXT. USDEL NOTED THAT OUR COUNTERPROPOSAL IN PROC (73) 7 WAS WITHOUT GUIDELINES, AND EXPRESSED PERSONAL OPINION WE WOULD BE OPENMINDED ON THEIR ELIMINATION OR INCLUSION IN PROCEDURE ITSELF, AS LONG AS THE SUBSTANCE AND TONE OF THE PROCEDURE WAS NOT CHANGED BY SUCH REDRAFT.

3. UKDEL LIKEWISE OPENMINDED ON OUR REDRAFT OF GUIDELINE PARA 5). AS TO OMISSION OF FIRST PART OF PARA B.3) OF TEMPORARY PROCEDURE GUIDELINE, ALSTON RECALLED THAT THE PARTICULAR WORDING HAD BEEN AGREED IN RESPONSE TO CHAIRMAN'S EXPECTATION THAT SECRETARIAT WOULD BE RESPONSIBLE FOR RESCHEDULING CASES ON WHICH QUESTIONS HAD BEEN ANSWERED AND, SINCE THERE MIGHT BE MORE THAN ONE DELEGATION WHICH HAD ASKED QUESTIONS, FELT THAT "ELAPSED TIME" FOR CALCULATION OF 14 AND 90 DAY PERIODS SHOULD BE CONSISTENT FOR EACH GIVEN CASE. PRESENT WORDING STEMMED FROM FACT THAT IN PRACTICE IT WAS SUBMITTING DELEGATION (RATHER THAN SECRETARIAT) WHICH RODE HERD ON ITS OWN CASES IN RESERVE. IN HIS CASE, ALSTON NOTED THAT HE MADE IT A PRACTICE TO PRESS HIS AUTHORITIES FOR POSITION OR FURTHER QUESTIONS WITHIN 14- DAY PERIOD AFTER UK QUESTIONS HAD BEEN ANSWERED BY SUBMITTING DELEGATION, AND HE WAS LOATHE TO TAKE THEM OFF THAT HOOK. USDEL COUNTERED THAT AUTHORITIES OF ONE MEMBER, A, WHICH RESERVED AND ASKED QUESTIONS, MIGHT WELL FIND THAT QUESTIONS ASKED BY COUNTRY B WERE OF SIGNIFICANCE, EVEN THOUGH A HAD NOT THOUGHT OF THEM BEFORE. UKDEL CONCEDED THE POINT, BUT SAID HE DID NOT BELIEVE PRESENT TENOR OF COMMITTEE WOULD AGREE THAT " A" SHOULD HAVE A " FREE RIDE" IN EVERY CASE. HE SAID HE WOULD BE WILLING TO AGREE THAT IN SUCH CASES AS USDEL DESCRIBED DEL A COULD SPECIFY - SAY UPON RECEIPT OF ANSWERS TO ITS OWN QUESTIONS - THAT IT WISHED THE 14 - DAY PERIOD TO START AFTER ANSWERS TO DEL B QUESTIONS HAD BEEN GIVEN BY SUBMITTING DELEGATION.

4. WITH REGARD TO PROPOSED GUIDELINE PARA 4), UKDEL
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SAID UK WAS NOT PARTICULARLY WEDDED TO THIS CONCEPT, BUT HAD INCLUDED IT IN PROC (73) 5 IN RESPONSE TO VIEWS EXPRESSED BY OTHER DELS (CF. PARAS 9, 10, 13, AND 26 IN PROC (73) 4, REPORTING FEB 20 MEETING).

5. IN ABSENCE OF CONTRARY INSTRUCTIONS, USDEL PROPOSES FOLLOWING TACTICS FOR MARCH 27 MEETING:

A. PRIOR TO GENERAL DISCUSSION OF ANNEX TO DOC PROC (73) 8, USDEL WILL SEEK CONFIRMATION THAT OTHER DELEGATIONS HAVE TAKEN NOTE OF, AND ACCEPT, US PROVISIO IN PARA 2, PROC (73) 7(PARA 3(2), STATE 41266) AND ASSURE THAT THE RECORD WILL SHOW THE COMMITTEE' S AGREEMENT.

B. IN EVENT FRENCH DEL MOUNTS SIGNIFICANT ATTACK ON GUIDELINES, USDEL WOULD AGREE TO DELETION IN TOTO, AND ACCEPT REDRAFT OF PRESENT PROCEDURE PARAGRAPHS TO INCORPORATE THOSE GUIDELINE POINTS NOT MENTIONED PARA 3, REF A. IF TREATMENT OF GUIDELINE POINTS MENTIONED WAS IN ACCORD WITH WASHINGTON VIEWS, USDEL WOULD ACCEPT, OTHERWISE ACCEPT AD- REF OR RESERVE DEPENDING ON CIRCUMSTANCES.

C. IF GUIDELINES STAND, USDEL WOULD PRESS FOR REINSERTION OF SENSE OF " OLD" PARA 3), BUT WOULD ACCEPT, AS FALL- BACK, CASE- BY- CASE COMPROMISE MENTIONED UKDEL, PARA 3 HEREIN.

D. USDEL WOULD PRESS FOR DELETION OF PARA 4), POINTING OUT AGAIN THAT THIS IS DIRECTED TO A PROBLEM WHICH HAS NOT ARISEN AND IS UNLIKELY TO. IF STRONG RESISTANCE TO DELETION DEVELOPS, WE WILL RSERVE AND REFER TO WASHINGTON.

E. USDEL WOULD PRESS FOR APPROVAL OF OUR REVISION OF GUIDELINE PARA 5) AND OBJECT TO PRESENT UK AND BELGIAN PRPOSALS.

F. IF OBJECTION REQUIRED, AND REVISION FAILS, US DEL WOULD THEN MAKE STATEMENT PER PARA 3, STATE 223000.

6. ACTION REQUESTED: CONFIRMATION OF TACTICS PROPOSED PARA 5. AS TO 5. D., WE WOULD PREFER TO GO ALONG WITH MAJORITY ON THE ISSUE AND HENCE REQUEST THIS AUTHORIZATION.
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AS TO 5. F., WASHINGTON WILL HAVE NOTED THE REVERSION TO PROCEDURES OF DOC REG (66) 1, CHAPTER A, PARA 4(A), IF APPLIED LITERALLY, WOULD BE EXTREMELY CUMBERSOME, INCLUDING CASE- BY- CASE COMMITTEE DECISION ON SCHEDULING

OF EACH EXCEPTIONS REQUEST, AND MUCH, MUCH MORE FREQUENT
RECOURSE TO PARA. 5 OF THAT CHAPTER.
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